

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

2018 AUG 23 P 4:31

UNITED STATES OF AMERICA,

Criminal No. 2:18-cr-122-JDL

v.

DEPUTY CLERK

MAURICE DIGGINS and
DUSTY LEO,

18 U.S.C. § 2
18 U.S.C. § 249(a)(1)
18 U.S.C. § 371

Defendants.

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

(18 U.S.C. § 249(a)(1) – Hate Crime)

1. On or about April 15, 2018, in the District of Maine, the defendants,

**MAURICE DIGGINS and
DUSTY LEO,**

each aiding and abetting the other, did willfully cause bodily injury to D.M. because of D.M.'s actual and perceived race and color.

All in violation of Title 18, United States Code, Sections 249(a)(1) and 2.

COUNT 2

(18 U.S.C. § 371 – Conspiracy to Commit Hate Crime)

2. On or about April 15, 2018, in the District of Maine, the defendants,

**MAURICE DIGGINS and
DUSTY LEO,**

knowingly and willfully combined, conspired, and agreed with each other to commit an offense against the United States. Specifically, the defendants agreed to commit a violation of Title 18 U.S.C. § 249, as alleged in Count 1, by willfully causing bodily injury to D.M. because of D.M.'s actual and perceived race and color.

MANNER AND MEANS

3. It was part of the plan and purpose of the conspiracy that, on April 15, 2018, the defendants would physically assault D.M. because he is African-American.

OVERT ACTS

4. In furtherance of the conspiracy, and to achieve its objectives, the defendants committed the following overt acts, among others, on or about April 15, 2018, in the District of Maine:
- a. LEO sat in the passenger seat as DIGGINS drove a truck at a high rate of speed into the parking lot of a 7-Eleven; as the truck drove into the 7-Eleven parking lot, DIGGINS shouted at D.M., who was walking toward the store entrance, "Who you eyeballing, Nigger?"
 - b. DIGGINS stopped the truck, got out of the truck, and approached D.M., while repeating the comment: "Who you eyeballing, Nigger?"
 - c. After he exited the truck, DIGGINS circled D.M., placing himself between D.M. and the front door of the 7-Eleven, blocking D.M.'s access to the store, and causing D.M. to turn his back to the truck. LEO then got out of the passenger seat, walked up behind D.M., and struck D.M. forcefully in the head.
 - d. As D.M. staggered backwards, DIGGINS approached D.M., causing D.M. to fall to the ground.
 - e. As D.M. got to his feet and began running away, LEO followed him on foot across the parking lot of the 7-Eleven, and the defendants shouted words to the effect of, "Go on, run, Nigger."
 - f. After D.M. exited the parking lot, DIGGINS got into the driver's seat of the truck, LEO got into the passenger seat, and the two men drove out of the parking lot after D.M.

g. As DIGGINS and LEO chased D.M. in the truck, DIGGINS shouted words to the effect of, "Where you at, Nigger?"

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

Signature Redacted – Original on file
with the Clerk's Office


Assistant United States Attorney

Date: 8/23/18